

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL DEPOSIT INSURANCE)	
CORPORATION AS RECEIVER FOR)	
VALLEY BANK,)	
)	
Plaintiff,)	Case No. 17-cv-4384
)	
v.)	Honorable Edmond E. Chang
)	
CROWE HORWATH LLP,)	
)	
Defendant.)	

**AGREED MOTION TO SET BRIEFING SCHEDULE
ON CROWE’S MOTION TO EXCLUDE PRODUCTION, OR IN
THE ALTERNATIVE COMPEL PRODUCTION OF DOCUMENTS**

Pursuant to this Court’s Minute Order of July 1, 2019 (Dkt. No. 151), the parties met and conferred to set a briefing schedule on Crowe LLP’s (“Crowe”) motion, and also on what impact, if any, the motion and its pendency may have on the expert discovery schedule. The parties have agreed as follows:

1. The Federal Deposit Insurance Corporation as Receiver for Valley Bank (“FDIC-R”) will file its response brief by July 29, 2019, and Crowe will file its reply by August 9, 2019.
2. With respect to the expert disclosures, a ruling denying Crowe’s motion would not impact expert discovery. However, a ruling excluding documents or ordering an additional production by the Federal Deposit Insurance Corporation in its Corporate Capacity (“FDIC-C”) could impact the FDIC-R’s expert discovery disclosures.
3. Rather than submitting expert reports that may require supplementation or amendment after the Court’s ruling, the parties have agreed to seek the Court’s approval to

adjust the expert discovery schedule as follows: 1) should the Court deny Crowe's motion or exclude the five documents at issue, the FDIC-R will produce its expert reports (and file its status report) ten days after the Court's ruling on Crowe's motion and Crowe and the FDIC-R will take an equivalent time as allotted under the current schedule to disclose its expert reports and rebuttal reports, respectively, and file the joint deposition status report; or 2) should the Court require the production of additional documents from the FDIC-C, the parties will meet and confer and propose an amended schedule for the disclosure of expert reports.

WHEREFORE, the FDIC-R and Crowe jointly move to set the briefing schedule and to defer the disclosure of expert reports pending the Court's ruling on Crowe's motion.

**FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER FOR
VALLEY BANK**

Dated: July 8, 2019

/s/ Susan Valentine
One of Its Attorneys

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-and-

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